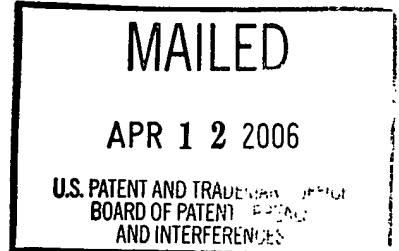


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSE FEDIDA

Application No. 09/526,547



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 31, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On July 22, 2003, the examiner entered an Examiner's Answer in response to appellant's Brief. However, a review of the document indicates that the Examiner's Answer provides no clear indication that an appeal conference was held, because the Examiner's Answer contains only one typed name and signature (e.g., Michael J. Milano). The second required appeal conferee is not listed. The Manual of Patent Examining Procedure (MPEP)

Application No. 09/526,547

§ 1208 clearly states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.

Correction is required pertaining to the missing conferee's printed name and signature in the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) provide sufficient proof that an appeal conference was held in accordance with the above instruction; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

Application No. 09/526,547

cc: JAMES E. LEDBETTER, ESQ.
STEVENS DAVIS MILLER AND MOSHER, LLP
1615 L STREET, N.W., STE. 850
P.O. BOX 34387
WASHINGTON, D.C. 20043-4387

DMS:hh